

DELEGATE CARSON: Mr. Chairman, ladies and gentlemen, the language which the majority proposes and which our amendment would have the benefit of keeping maintains the individual's right to be charged by a grand jury in cases of capital or otherwise infamous crimes. This is exactly the language of the U. S. Fifth Amendment.

Under the federal system, an accused may waive the trial by jury. He may waive his right to be presented by indictment if he so desires, except in cases of capital crime. So these rights may be waived and the federal cases are very clear to that effect.

I think it is desirable that in cases that are very serious, an individual not be charged merely by a prosecutor signing a piece of paper. I think it is essential in serious crime that a grand jury sit down and decide that a charge ought to be made. Now this would not be necessary in minor crimes.

I do think it is important enough to put in our constitution as the founding fathers thought it important enough or the amendment thereto shortly thereafter in the federal Bill of Rights. I suggest that you vote in favor of this provision regardless of the record of destroying the rest of these provisions, which I voted for also.

THE CHAIRMAN: Before continuing with debate, the Chair wants to make an announcement and ask the Clerk to ring the quorum bell.

We are in a situation where, because of the protracted sessions of the Convention, the Committee on Style, Drafting and Arrangement and the Committee working on the transitional provisions are unable to meet for sufficient lengths of time to work on and make available reports for the consideration of the Convention.

As indicated earlier in the week, it is imperative that we have a period of at least two, and preferably three days, to enable these committees to complete their work and present it to the Convention.

If we continue the announced schedule of sessions of the Convention for today, tomorrow and Saturday, and succeed in completing consideration of every item on the agenda, and then permit these two committees to go to work on their various matters we would then be in a position to present their written reports to the delegates and allow the delegates time enough to study them and begin debate next week.

Consideration has been given to the possibility of continuing as earlier announced, and then recessing next week, except for those two committees, having their reports completed and sent to delegates by mail, so that the delegates could then be prepared to debate those reports on the very first day they resumed sessions. With the mail as it is at this time of the year, there is no certainty that the delegates would receive the reports in time.

Accordingly, it is planned to continue the debate on R&P-2 this afternoon until it is concluded, hopefully in a very brief remaining period of time. We would not have a session of the Convention or of the Committee of the Whole or the Convention this evening, allowing this evening for the meeting of the Committee on Style and of the committee working on the transitional provisions.

We will continue tomorrow with the session of the Convention as planned. Wherever we may be in the late afternoon or early evening tomorrow, we will adjourn and not have a session tomorrow evening, nor Saturday and Monday. We would request all delegates serving on the two committees which I mentioned to remain, notwithstanding the fact that the Convention is not in session tomorrow evening, Saturday and Monday, and be in a position to present to the Convention on Tuesday reports which they will have been able to complete by that time.

Following this procedure it is hoped that we could get at least one of the reports of the Committee on Style in your hands before you leave tomorrow so that you could have it over the weekend and be prepared to debate it when the Convention resumes its session on Tuesday.

It is contemplated that the Convention would resume on Tuesday at 2 o'clock and have a session Tuesday afternoon, Tuesday evening; Wednesday morning, afternoon and evening; Thursday morning and afternoon, but not evening. The Convention would then recess or adjourn on Thursday of next week until after Christmas.

In order to accomplish this it is imperative that we complete R&P-2 this evening. We do not want to break for dinner and come back, and certainly we do not want to delay dinner to an unreasonable hour.

I would therefore urge that the debate on the remaining provisions of R&P-2 be kept to a minimum and that we act promptly. Delegates are urged to remain in the chamber so that we can vote quickly,